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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,578	09/27/2001	Masanori Watanuki	04329.2682	9687

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EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,578

Applicant(s)

WATANUKI, MASANORI

Examiner

Devona E. Faulk

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 16, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 16, 21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/13/2006 have been fully considered but they are not persuasive.
2. The applicant has cancelled claims 1-12, 14-15, 17-20, 22-23 and 25-28.
3. The applicant has amended independent claims 13 and 21 with "**digital** music data" and essentially asserts that prior art Dress provides a transmitter including analog components and is silent with regards to a wireless digital data transmission or digital music data. The examiner disagrees. Dress teaches that the transmitter or base unit provides wireless communication to earphones (Figure 2; column 2, lines 57-67). Dress further teaches that the audio source may be a CD player (column 6, lines 25-28) and furthermore transmitting using digital data (column 9, lines 20-45). The examiner is rejecting using the same prior art.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. **Claims 13,16,21 and 24** are rejected under 35 U.S.C. 102(e) as being anticipated by Dress et al. (US 6,519,448).

Regarding **claim 13**, Dress discloses a music reproduction apparatus (Figure 1; column 2, lines 58-62) comprising an audio player (audio source, Figure 2; Dress teaches that the audio source may be a CD player; column 6, lines 25-28) and a pair of left and right headphones (200, Figure 1) connected to said audio player via a wireless digital data transmission channel (column 2, lines 57-67; column 9, lines 20-40), said audio player comprising:

a transmitter ( base unit illustrated by Figures 2 and 3) configured to transmit left and right digital music data to the left and right headphones (column 9, lines 20-40; Dress teaches that the audio source may be a CD player; column 6, lines 25-28), and each of said left and right headphones comprising:

a receiver configured to receive the left and right digital music data transmitted from said audio player (220, Figure 5; column 8, lines 44-45; column 9, lines 20-40) and

a data extracting section configured to extract one of the left and right digital music data received by said receiver(212, audio amplifier; column 9, lines 20-40).

Regarding **claim 16**, Dress discloses wherein said audio player comprises an interface capable of wirelessly connecting a plurality of headphones (Figure 2; column 2, line 65-column 3, line 3; each of the earphones read on a separate headphone).

Regarding **claim 21**, Dress discloses a music reproduction apparatus (Figure 1; column 2, lines 58-62) comprises an audio player (audio source, Figure 2) and a pair of left and right headphones (200, Figure 2) connected to said audio player via wireless

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digital data transmission channel (Figure 2; column 2, lines 57-67; column 9, lines 20-40), said audio player comprising a transmitter (base unit, Figure 2; column 2, lines 57-67; column 8, lines 44-45) configured to transmit left and right digital music data to the left and right headphones respectively (116, T/R of base unit illustrated by Figure 3; column 9, lines 20-40).

Regarding **claim 24**, Dress discloses wherein said audio player comprises an interface capable of wirelessly connecting a plurality of headphones (Figure 2; column 2, line 65-column 3, line 3; each of the earphones read on a separate headphone).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF

  
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